

## **REMARKS**

A Petition for the Revival of the above-referenced patent application is being filed herewith. In the Interview Summary of Paper No. 3, the Examiner appears to incorrectly state that the Applicant's attorney informed the Examiner that the application is to be abandoned. The Applicant's attorney only stated that a response had not been filed at the time of the telephone interview.

In the Office Action of Paper No. 2, the drawings were objected to for failing to show every claimed feature. Specifically, the "threaded insert" and "caster" were alleged to be not shown in the drawings.

The above two features of the invention are not recited in new claims 11-26, filed herewith. Furthermore, it is pointed out that the "threaded insert" is shown in Figures 2 and 3.

Claim 1 was rejected under 35 U.S.C. §102(b) in view of the U.S. Patent of Barecki, et al. No. 3,758,182. Claims 2-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Barecki reference, and further in view of the U.S. Patent of Schwartz No. D 404,228.

Claims 1-10 have been cancelled herein and replaced with new claims 11-26. Of new claims 11-26, claims 11, 18, and 22 are independent claims. It is respectfully submitted that the subject matter of the invention recited in independent claims 11, 18, and 22 is not suggested in the prior art and therefore not made obvious by the prior art.

Claim 11 recites a cap that is attachable to an open end of a tubular furniture piece, where the cap has a threaded member that is attached to an inner wall of the cap at a position where the threaded member engages with the tubular furniture piece. This subject matter of the invention is not disclosed in either of the Barecki or Schwartz references. With no disclosure of the subject matter of the invention, the prior art references cannot suggest or make obvious the subject matter.

Furthermore, claim 11 also recites that the threaded member is positioned on the cap where the threaded member performs the functions of both securing the cap on the tubular

furniture piece when the cap inner wall is inserted inside the open end of the tubular furniture piece, and being movable relative to the cap to adjust the height of the tubular furniture piece. Neither the Barecki nor Schwartz references disclose or suggest a furniture cap that is capable of performing these two distinct functions. Because neither of the references suggest the subject matter of claim 11, the references cannot make obvious that subject matter.

For these reasons, claim 11 is allowable over the prior art.

Claims 12-17 all depend from claim 11 and therefore are also allowable over the prior art.

Claim 18 recites a cap that attaches to an open end of a tubular furniture piece, where the cap has an inner wall with means for holding the cap on the open end of the tubular furniture piece and an outer wall with means for holding the cap on the opened end of the tubular furniture piece. These functions are accomplished by the friction engagements of the cap inner wall and outer wall with the respective inner surface and outer surface of the tubular furniture piece when the cap is attached to the opened end of the furniture piece. Both the Barecki and Schwartz references fail to disclose or suggest a furniture cap that is capable of performing these two functions. Neither of the references disclose or suggest an outer wall that engages in friction engagement with an exterior surface of a furniture piece when the cap is attached to the open end of the tubular furniture piece. It should be noted that the outer wall 63 of Barecki is spaced from the foot tube 53, and only a portion of the outer wall appears to engage with the scuff cover 57. Thus, claim 18 is allowable over the prior art.

Furthermore, claim 18 recites a glide member having means for holding the cap on the opened end of the tubular furniture piece and means for adjusting the height of the opened end of the tubular furniture piece. Neither the Barecki nor Schwartz references disclose or suggest a furniture cap that is capable of performing these two functions. Therefore, the references fail to make obvious the subject matter of claim 18 for this additional reason.

Claims 19-21 all depend from claim 18 and therefore are also allowable over the prior art.

Independent claim 22 recites a furniture cap that is attachable to an opened end of a tubular furniture piece, the cap having an inner wall with four wall sections and an outer wall having only three wall sections. This structural feature of the invention recited in claim 22 is not disclosed or suggested by the Barecki or Schwartz references. Because neither reference discloses or suggests this subject matter of the invention, the references cannot make obvious that subject matter.

Furthermore, claim 22 recites a threaded member that is attached to one of the four inner wall sections and extends between a pair of the three outer wall sections. This structural feature of the invention is also not disclosed or suggested in either the Barecki or Schwartz references. Because this feature of the invention is not suggested by the references, the references cannot make obvious the subject matter of claim 22.

For the reasons set forth above, it is submitted that claim 22 is allowable over the prior art.

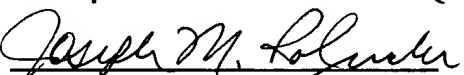
Claims 23-26 all depend from claim 22 and therefore are allowable over the prior art for the reasons set forth above.

It is respectfully submitted that in view of the amendments and remarks presented herein, the application is in condition for allowance and favorable action is requested.

Respectfully submitted,

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